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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,318	02/01/2000	Ye Gu	3382-53698	6047

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EXAMINER	
PRIETO, BEATRIZ	

ART UNIT	PAPER NUMBER
2142	18

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/496,318	GU ET AL.	
	Examiner	Art Unit	
	B. Prieto	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 January 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) *1-17* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *18-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *15*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to amendment filed 1/20/04, claims 1-17 are withdrawn from consideration, claims 25-33 have been added. Claims 25-33 have been examined.

Claim Rejections - 35 USC § 103

2. Quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action may be found in previous office action.

3. Claims 18-20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews et. al. (Andrews) U.S. Patent No. 5,835,723 in view of Shaio U.S. Patent No. 6,487,167 in view of Hammer et. al. (Hammer) U.S. Patent No. 5,960,439 in further view of Wanderer et. al. (Wanderer) U.S. Patent No. 5,491,796.

Regarding claim 18, Andrew teaches substantial features of the invention as claimed, teaching,

allocation mode ("addressing means") (col 2/lines 30-32) for selecting (Fig. 1, step 102) an address by a node ("computing device") (col 2/lines 1-2) of a reserved range of addresses (col 4/lines 30-37) including,

sending a message (Fig. 1, step 104) containing the selected address on the network (col 2/lines 2-7, col 4/lines 38-40), said the network is a peer-to-peer ("ad hoc") network, i.e. network entities are configured to request and response (col 4/lines 26-60),

if no response to said message containing the selected address is received, assigning the selected address to the computing device (Fig. 1, step 114, 116); however does not explicitly teach a broadcast message announcing an address assignment;

Shaio teaches a message on a communication link of an peer-to-peer (ad hoc) network environment, which advertises the IP address of one computing device to its peer (Shaio: col 2/lines 62-col 3/line 17); however the above-mentioned prior art does not teach does not explicitly teach inquiring the device type of a computing device;

Hamner teaches initiating (312) an inquiry ("discovery message") on the network for a device type of the computing device (Hamner: col 5/lines 54-58, col 6/lines 18-29, poll for a specific device type, col 6/lines 49-59), said inquiry performed by either the client or server computing devices on the network

(10), i.e. peer-to-peer network (Hamner: col 5/lines 63-67); and sending a response message responsive to the discovery message identifying the computing device (Hamner: col 6/lines 18-29); however the above mentioned prior art do not explicitly teach wherein responsive to a ("description") request received by the computing device on a network for a ("description") message defining interaction via messages ("data messaging") with the computing device to remotely operate the computing device over the network;

Wanderer teaches responsive to poll request received by the computing device for attributes which may be viewed and are defined by a file (12) ("message") defining user-selectable interactions options (col 3/lines 53-61) associated with available functions for remotely configuring (operating) the computing device over the network (col 2/lines 55-61, col 3/lines 48-61), the message defines interaction component (col 9/lines 15-20) for communicating with the computing device;

It would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Shaio for sending a broadcast message announcing an address assignment, for use with systems using an IP based protocol. Motivation would be to complement the drawbacks/disadvantages of the know art that Andrew attempts to resolve such enabling a host to obtain and reserve exclusive use of a unique IP address with Shaio means that support obtaining a unique and reserved IP address. Further it would have been obvious to one ordinary skilled in the art at the time the invention was made to include Hamner teaches for inquiring for a device type of a computing device. Motivation would to provide the system with a more flexible, device oriented perspective of the device on the network, as suggested by Hamner for operate the computing devices over the network supported by a description file that defines the interaction with the computing device without requiring the user to have extensive knowledge of the network. Further it would have been obvious to one ordinary skilled in the art at the time the invention was made acquire information that defines the interaction with a computing device, as taught by Wanderer, motivation would be to provide a graphical view of the device remotely on the Andrew environment, as interactive objects, providing the execution of corresponding operations associated with the computing device.

Regarding claim 19, ("description message") information contained ("presentation") data defining user interface (Wanderer: col 9/lines 15-29, define graphical view and user interactions, col 3/lines 47-56) for remote presenting on a computer ("another computer device") for remotely managing the computing device (Wanderer: col 3/lines 31-35).

Regarding claim 20, description message contains a reference, relationship or correlation ("link") to a ("style sheet") data for defining unrelated or independent ("separate") views of the presentation data on said computing device (Wanderer: col 9/lines 15-29, col 3/lines 47-56).

Regarding claim 25, this method claim is substantially the same as the apparatus claim discussed on claim 18, same rationale of rejection is applicable

4. Claim 21-24 and 26-33 are Andrews-Shaio-Hammer in view of Wanderer et. al. (Wanderer) U.S. Patent No. 5,491,796 in further view of Hemphill et. al. (Hemphill) U.S. Patent No. 6,167,448

Regarding claim 21, however the above mentioned prior art do not explicitly teach wherein responsive to a description request received by the computing device for sending a description message formatted in a markup language defining interaction via data messaging with the computing device to remotely operate the computing device over the network;

Hemphill teaches a system/method for remotely manage a computing device including, a computing (managed) device (104, col 3/lines 15-28) configure to receive a request or ping (col 4/lines 32-57), wherein responsive to said request events the managed device using an event notification logic, generates a event notification message which includes (event related) information written using a markup language (e.g. XML) (abstract), the message upon execution defined desired actions in response to the particular management event (col 1/lines 53-65), the interaction or events include discovered devices, device status, that is actively monitored, enable the management system to remotely manage (operate) the computing device over the network to which it is coupled from a central remote location by a management system via a standard data messaging protocol (e.g. SNMP or DMI) (col 1/lines 10-31) for viewing by a browser (col 4/lines 11-17).

It would have been obvious to one ordinary skilled in the art at the time the invention was made to include Hemphill's teachings for sending a message formatted in a markup language, responsive to a request received by the computing device, said message defining interaction via interface or protocol ("data messaging") with the computing device to remotely operate the computing device over the network, motivation would be to enable a more flexible mechanism for remotely managing a computing device over a network independently of the data messaging used by the computing device.

Regarding claim 22, response comprises a reference, relationship or correlation ("link") to the description message (Wanderer: col 3/lines 48-61, col 2/lines 55-61, col 3/lines 48-61, and col 9/lines 15-20).

Regarding claim 23, response has a device type identifier of the computing device (Hamner: Fig. 5, element 602).

Regarding claim 24, announcement message has an identifier ("name") of the computing device (Shaio, col 3/lines 17-20).

Regarding claim 26, cease sending a description message defining interaction via data messaging with the computing device and initiating ("control operational") functions of the computing device (Wanderer: col 3/lines 50-61, col 2/lines 55-61).

Regarding claims 27-31, these method claims are substantially the same as apparatus claims 19-22 and 24, respectively, same rationale of rejection is applicable.

Regarding claim 32, identifying the address assigned to the computing device (Andrew: col 2/lines 30-32 for selecting step 102 of Fig. 1 an identified address col 2/lines 1-2 from a reserved range of addresses col 4/lines 30-37).

Regarding claim 33, specifying a communication exchange procedure ("device-specific protocol") of data messages for communicating ("interacting") with the computing device (Wanderer: defined protocol supporting communication exchange see col 6/lines 65-col 7/line 3).

Response to arguments

5. Applicant argues in regards to claim 18, that prior art (Wanderer) does not teach claim limitation as recited, specifically, sending in response to a request received by the computing device, wherein the request is for a message defining a communication exchange with the computing device to enable to remotely operate the computing device over the network. Because according to applicant, specification on page 4, lines 16-26 to page 5, lines 1-2 describe on implementation of the claimed invention in which any network device may initiate the "interaction via data messaging" with any other networked device without

having established a prior relationship or maintaining a persistent relationship between the devices. The present invention does not maintain a centralized database to monitor and manage attached devices, which is defined and characterized by applicant as a "persistent relationship between devices requirement" and are further depicted by applicant as creating configuration management concerns and waste unnecessary device and network resources, which instant invention avoids

In response to the above-mentioned argument, applicant's interpretation, and characterization with respect of the prior art are noted. However, claim reads, sending in response to a request received by the computing device, wherein the request is for a message defining a communication exchange with the computing device to enable to remotely operate the computing device over the network. Wanderer teaches wherein responsive to a ("description") request received by the computing device on a network for a ("description") message defining interaction via messages ("data messaging") with the computing device to remotely operate the computing device over the network; Wanderer teaches responsive to poll (request-response) ("interaction via data messaging") received by the computing device for attributes from a device specification file for remote management of the computing device and that define the messages that are exchange to remotely configure and operate the computing device over the network (col 3/lines 50-61, col 2/lines 55-61), the device specification information further contains component, such as component interaction which defines the interaction behavior, e.g. configuration dialog interaction or exchange for remotely communicating with the computing device (col 9/lines 15-20), defined interaction via communication exchange (see col 5/lines 50-55), and defined protocol supporting communication exchange (see col 6/lines 65-col 7/line 3).

6. Applicant argues prior art does not teach, claim limitation as recited, specifically, description means to a description request for sending a description message defining interaction via data messaging with the computing device to remotely operate the computing device over the ad hoc network, because according to applicant the Wanderer reference describes an architectural model that requires an immense knowledge of the underlying network devices to program and configure device files that work properly.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "does not require an immense knowledge of underlying network devices to program and configure device files that work properly", nor does claimed invention require a "persistent relationship between devices") are not recited in the rejected claim(s). This is not a suggestion of any sort. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

7. In order to accelerate the prosecution of instant application, it is noted that functional features provided by the Rehydrator on page 45, line 16 to page 47, line 16 are suggested by examiner to be considered when amending the rejected claims. Applicant is further urged to review the prior art of record considered and identified as pertinent to applicant's claimed invention.

8. Applicant is reminded of 37 CFR 1.530 (e) Status of claims and support for claim changes. Which states that whenever there is an amendment to the claims pursuant to paragraph (d) of this section, there MUST also be supplied, on pages separate from the pages containing the changes, the status (i.e., pending or canceled), as of the date of the amendment, of all patent claims and of all added claims, and an explanation of the support in the disclosure of the patent for the changes to the claims made by the amendment paper (see MPEP 2234).

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Prosecution of this application is closed by means of this final office action § 1.113, applicant may request continued examination of the application by filing a Request for Continued Examination of under 37 CFR § 1.114 and providing the corresponding fee set forth in § 1.17(e) for the submission of, but not limited to, new arguments, an information disclosure statement, an amendment to the written description, claims, drawings, or new evidence in support of patentability. Or applicant whose claims have been twice rejected, may appeal from the decision of the administrative patent judge to the Board of Patent Appeals and Interferences under 35 U.S.C. §134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (703) 305-0750. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Jack B. Harvey can be reached on (703) 305-9705. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to the Central Fax Office:
(703) 872-9306, for Official communications and entry

Or Telephone:
(703) 306-5631 for TC 2100 Customer Service Office

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

JACK B. HARVEY
SUPERVISORY PATENT EXAMINER

B. Prieto
TC 2100
Patent Examiner
May 2, 2004